

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shougo SATO et al.

Group Art Unit: 2852

Application No.: 10/782,973

Examiner: H. NGO

Filed: February 23, 2004

Docket No.: 118785

For: IMAGE FORMING APPARATUS AND PHOTORECEPTOR CARTRIDGE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Sir:

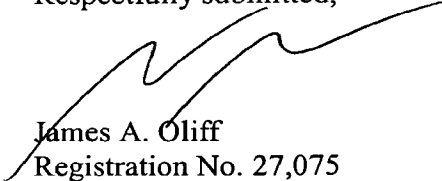
Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed with a Request for Continued Examination. No certification or fee is required.
- ☒ 2. In accordance with 37 CFR §1.98(a)(2)(ii), copies of any U.S. patents and patent application publications are not attached.
- ☒ 3. An English language Abstract of one or more non-English language reference [is attached. See Reference(s) 3.
- ☒ 4. A computer-generated English language translation of one or more Japanese Patent Publication cited herein has been obtained from the website of the Japanese Patent Office ([<http://www.jpo.go.jp>]), and is attached, but has not been reviewed for accuracy. See Reference 3.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.N./

- ☒ 5. Reference 1 corresponds to reference 2.
- ☒ 6. One or more reference cited herein was cited in a counterpart foreign application. An English language version of the foreign Office Action is attached for the Examiner's information. See References 2 and 3.

Respectfully submitted,



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JAO:SMS/khm

Date: December 20, 2007

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Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 118785		APPLICATION NO. 10/782,973	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT(S) Shougo SATO et al.			
				FILING DATE February 23, 2004		GROUP 2852	

U.S. PATENT DOCUMENTS				
Examiner Initials	Cite No.	Document Number	Date	Name
	1	US 6,681,088 B2	01/20/2004	Kanno et al.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation
	2	CN-1369750A	09/18/2002	China		
	3	JP-A-2001-255804	09/21/2001	Japan	X	X

OTHER DOCUMENTS		
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER /Hoang Ngo/	DATE CONSIDERED 01/28/2008
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Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

2007.DEC.14. 14:49

NO.892

P.7



PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: No. 6 Xincheng Rd., Jimeing Bridge Haidian, District, Beijing 100088 P. R. China

26F., Wen Xin United Press Tower, 755 Weibai Rd., Shanghai 200041 P.R.China Watson & Band Law Offices Xu Shenmin Zhang Huiping		Mailing Date: November 16, 2007
Application No.:	2004100076168	RECEIVED DEC 20 2007 OFFICE OF PETITIONS
Applicant:	BROTHER KOGYO KABUSHIKI KAISHA	
Name of Invention:	IMAGE FORMING DEVICE AND PHOTORECEPTOR CARTRIDGE	

The Third Office Action

- ☒ The examiner received the Observation filed on September 26, 2007 replying to the First Office Action issued by the Patent Office. Based upon the observation, the examiner continued the Substantial Examination to the above-mentioned application for patent for invention.

☐ The examiner continued the Substantive Examination pursuant to the Reexamination Decision issued by the Patent Reexamination Board on _____.
- ☐ The amendment filed by applicant on _____ cannot be accepted because it is not in conformity with the provisions of Rule 51(3) of the Implementing Regulations of Patent Law. Applicant shall submitted new amended application documents conforming to the provisions, or the office action shall be deemed to have not been replied, the application will be deem to have been withdrawn accordingly.
- The examination are based on the following documents:

 - ☐ the amended application documents attached in the captioned Statement.
 - ☒ the application documents that the First Office Action directed at and the replacement pages attached in the captioned Observation.
 - ☐ The application documents that the First Office Action directed at.
 - ☐ The application documents defined in the captioned Reexamination decision.
- ☐ This Notice does not cite any new Comparative Documents.

☒ This Notice cites the following comparative Document (the number of which shall continue to be used in the subsequent examination proceedings):

No.	Number/Title of Document	Date of Publication (or the filing date of the conflicting Application)
4	JP2001-255804A	2001. 9. 21
5	CN1369750A	2002. 9. 18

- The conclusive opinion drawn from the examination:

 - ☐ As regards to the Description
 - ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.
 - ☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.
 - ☐ The modifications of the Description do not comply with the regulation of the Article 33 of the Chinese

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.N./

Patent Law

☐ The draft of specification does not conform with the Article 18 of the Supplementing Regulations of Patent Law.

■ As regards to the Claims:

☐ Claim _____ does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.

■ Claim 1-33 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

☐ Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.

☐ Claim _____ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.

☐ Claim _____ does not conform with the provision of Item 4, Article 26 of the Patent Law.

☐ Claim _____ does not conform with the provision of Item 1, Article 31 of the Patent Law.

☐ The Modifications of the Claim _____ does not conform with the provision of the Article 33 of the Patent Law.

☐ Claim _____ does not conform to the provision of Item 1, Rule 2 of the Implementing Regulations regarding to the definition of invention.

☐ Claim _____ does not conform to the provision of Item 1, Rule 13 of the Implementing Regulations.

☐ Claim _____ does not conform with the provision of Rule 20 of the Implementing Regulations.

☐ Claim _____ does not conform with the provision of Rule 21 of the Implementing Regulations.

☐ Claim _____ does not conform with the provision of Rule 22 of the Implementing Regulations.

☐ Claim _____ does not conform with the provision of Rule 23 of the Implementing Regulations.

Refer to the text of this Notice for the specific analysis of the conclusive opinion.

6. Based on the above conclusive opinion, the Examiner deems that:

☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.

☐ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, otherwise no patent right shall be granted.

■ There is no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.

7. The applicant is asked to note the following items:

(1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within 2 months from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn.

(2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.

(3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.

(4) The Observations and/or the amended documents shall be mailed or delivered to the Office of Receipt, the Chinese Patent Office. No documents shall possess legal effects if not mailed or delivered to the Office of Receipt.

8. The text of this notice totals 2 pages, including the following attachments:

■ duplicate copy(ies) of cited comparative document(s), altogether 2 copy(ies) 21 pages.

Text of the Third Office Action

Application number: 2004100076168

The applicant filed an observation aiming at the Second Office Action on September 26, 2007. After reviewing the above documents, the Examiner examines the application further and is of the following opinions.

1. Claim 1 does not possess creativeness stipulated by Item 3, Article 22 of the Patent Law. In the second office action, the Examiner pointed out that claim 1 possesses no creativeness with respect to Prior Arts 1, 2 and common sense of the arts. And in the observation to the second office action, the applicant did not amend the claims and only pointed out that features about "an evacuating unit" in claim 1 are not disclosed by Prior Arts, and they do not belong to common sense of the arts. On this basic, the applicant concluded that the invention can not be predicted based on Prior Arts 1-3, so claim 1 as well as all claims of the application possess creativeness. And it is common sense that the photosensitive unit must be separated from the developing unit before detaching the photosensitive unit in order to protect the photosensitive unit. And there are many devices in which the members contacting with the photosensitive unit must be separated from the photosensitive unit firstly and then the photosensitive unit can be detached when detaching a processing cartridge with photosensitive unit. For example, in the HP laser printer LaserJet 9000, the processing cartridge is lift firstly through a grip so that the photosensitive unit is separated from the members contacted with it, and then the processing cartridge is detached when the processing cartridge with a photosensitive unit is detached. And in the HP printer LaserJet 1300, the movement separating the photosensitive unit from the members contacted with it is associated with open of the machine casing. And in the image forming

apparatus disclosed by Prior Art 4 (JP2001 - 255804A) , the photosensitive drum is also be separated from the developing roller firstly when members are detached. All these facts indicate clearly that the members contacting with the photoreceptor must be removed when detaching the photoreceptor. Therefore, the Examiner is still of the opinion that persons skilled in the arts can easily think out the technical proposal of the invention by applying a evacuating unit in the image forming apparatus disclosed by Prior Arts 1 and 2, wherein the evacuating unit separates the members contacting the photosensitive unit 22 from the photosensitive unit 22, and then the photosensitive unit 22 is detached. In other words, the technical proposal of the invention is obvious to persons skilled in the art. Therefore, claim 1 has no prominent substantive features and presents no notable progress.

2. Claims 2-33 do not possess creativeness stipulated by Item 3, Article 22 of the Patent Law. The additional technical features of dependent claims 2-33 of claim 1 were not revised in response to the second office action. As mentioned in the first and second office actions, the additional technical features are disclosed by Prior Arts 1-3 respectively or belong to common sense of the art, so in the case where the quoted claim 1 possesses no creativeness, claims 2-33 possess no creativeness, too.

And the applicant shall also note that the evacuating unit for evacuating the developing unit described in the description is disclosed by Prior Art 5 (CN1369750A). Prior Art 5 discloses the following contents (see line 14-24, page 7 of the description and figure 7, 8 of Prior Art 5): referring to Figs. 7 and 8, a description will be provided as to the separation means (corresponding to the evacuating unit of the application). In a rear side of the main assembly 100 of the apparatus with respect to the inserting direction of the cartridge 7, there is provided a separation means (force applying member 8) (corresponding to the linking rod 41 of the application) for separating the developing roller 40 from the photosensitive drum 1 against the urging force of the developing unit 4. The force applying member 8 has separation plates 80a-80d for raising the force receiving portions 46a-46d

provided in the developing units 4a-4d for the yellow, magenta, cyan and black developers. By releasing the raising action of the separation plates 80a-80d, the developing roller 40 is brought into contact to the photosensitive drum 1 by the elastic force of the spring 54. In this way, all the features of the evacuating unit are disclosed by Prior Art 5. Even if the applicant restricts the evacuating unit in claim 1 further according to the description, claim 1 is still unacceptable.

Base on said reasons, claims 1-33 of the application possess no creativeness. Furthermore, there are no substantial contents described in the description that can be granted. Therefore, even though the applicant recombines the claims and/or restricts them according to the description, the present application is impossible to be granted. If the applicant fails to give persuadable reasons explaining why the application possesses novelty and inventiveness before the authorized deadline, the present application shall be rejected

The Examiner: Liang Qin

Code: 5629